

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DIVINE RESTORATION APOSTOLIC CHURCH,

Plaintiff,

V.

**NATIONWIDE INSURANCE
COMPANY AND JASON L.
JOHNSON,**

Defendants.

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**CIVIL ACTION NO. H-09-cv-0926**

# MEMORANDUM AND ORDER

In response to the Court's Memorandum and Order dated June 3, 2009, Defendant Jason Johnson has submitted an affidavit attesting that he is a citizen of Iowa, not Texas, as suggested by Plaintiff. Johnson asserts that he has had a permanent home in Iowa for the past eight years. He traveled to Texas to investigate Plaintiff's insurance claims in September 2008, following Hurricane Ike, but at all times he intended to return to Iowa following the completion of his investigation. Considering these facts, the Court finds that Defendants have established diversity jurisdiction and Plaintiff's Motion to Remand is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 30 day of June, 2009.

KEITH P. ELLISON

UNITED STATES DISTRICT JUDGE

**TO ENSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY**

**AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN  
SENT ONE BY THE COURT.**